IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2928 of 2005

Between:

S. Samba Murhty S/o. Bayanna
R/o.H.No. 2-1-83, Nalgonda, Nalgonda District.

..... PETITIONER

AND

1 The Regional Transport Authority, Nalgonda, Nalgonda District.
2 The Motor Vehicle Inspector, Kalwakurthy, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or direction especially, one in the nature of writ of Mandamus declaring the seizure of the petitioner's Tractor/Trailor Vehicle bearing No. AAL 2608 & 2609 vide Vehicle check report No. 634968 dt. 8-2-2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioner's Tractor/Trailor vehcile bearing No. AAL 2608 & 2609 immediately.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's Tractor & Trailer bearing Nos.AAL 2608 & 2609 vide Check Report No.634968, dated 8.2.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the Tractor & Trailer bearing No.AAL 2608 & 2609 and that his vehicle was seized by the 2nd respondent vide Check Report No.634968, dated 8.2.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated the provisions of the Motor Vehicles Act, 1988 and the Rules made thereunder has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's Tractor & Trailer bearing Nos.AAL 2608 & 2609 on the following terms and conditions:

1. *that the petitioner shall not alienate or transfer the vehicle.*

2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

18th February, 2005.

bcj

To

1 The Regional Transport Authority, Nalgonda, Nalgonda District.
2 The Motor Vehicle Inspector, Kalwakurthy, Mahabubnagar District.

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hderabad (OUT)

4 Two C.D. copies.

Note: Issue wire at party’s cost.

B/o

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